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Attorneys for Defendant
JEANS CITY USA, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEVI STRAUSS & CO.,
Plaintiff,
v.
JEANS CITY USA, INC.,
Defendant.

Case No. C 08-01639 WHA

JOINT RULE 26(f) REPORT

CMC DATE: July 24, 2008
CMC TIME: 2:30 p.m.

Pursuant to Federal Rule of Civil Procedure 26(f) and this Court's Scheduling Order
Plaintiff Levi Strauss & Co. ("LS&CO.") and Defendant Jeans City USA, Inc. ("Jeans City")
submit the following Report for the Court's approval.

1 **I. TIMING AND SCOPE OF RULE 26(a)(1) INITIAL DISCLOSURES**

2 The parties will produce Initial Disclosures as required by Rule 26(a)(1). The scope of
3 the initial disclosures will remain as stated in Rule 26(a)(1)(A)-(D).

4 **II. SUMMARY OF THE CLAIMS**

5 LS&CO. believes that Jeans City has distributed jeans that display stitching and/or tab
6 designs that are confusingly similar to LS&CO.'s Arcuate and Tab Trademarks and violate
7 LS&CO.'s rights in these trademarks. LS&CO.'s Complaint states claims against Jeans City
8 for trademark infringement, dilution and unfair competition under federal and California law.

9 Jeans City denies LS&CO.'s claims, and has asserted numerous affirmative defenses,
10 which it believes act as a bar or otherwise refute LS&CO.'s claims.

11 (a) All parties have been served.

12 (b) The parties do not anticipate joining additional parties, but reserve their right to
13 do so as discovery proceeds.

14 (c) At this time, the parties do not anticipate any amendments to the pleadings, but
15 have agreed to a deadline of October 16, 2008 to amend pleadings.

16 (d) This Court has subject matter jurisdiction over LS&CO.'s Lanham Act claims
17 pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1338(b) and 15 U.S.C. §1121, and supplemental
18 jurisdiction over LS&CO.'s state law claims pursuant to 28 U.S.C. §1367. No issue exists as to
19 personal jurisdiction or venue.

20 **III. SUBJECTS OF DISCOVERY**

21 LS&CO. plans to seek discovery on the following topics:

22 1. All allegations asserted in LS&CO.'s Complaint.

23 2. All allegations and defenses asserted in Jeans City's Answer to LS&CO.'s
24 Complaint.

25 3. Jeans City's distribution, sale and promotion of products bearing the stitching
26 and/or tab designs at issue.

27 Jeans City plans to seek discovery on the following topics:

28 1. All allegations asserted in LS&CO.'s Complaint.

2. All allegations and defenses asserted in Jeans City's Answer to LS&CO.'s Complaint.

3. Third-party use of pocket stitching designs used by third parties that are similar to LS&CO.'s unrelated to Jeans City.

4. LS&CO.'s claimed damages.

5. LS&CO.'s enforcement efforts relating to its Arcuate and Tab trademarks.

IV. DISCOVERY SCHEDULE

Fact Discovery Cutoff:	January 30, 2009
Expert Disclosures:	February 29, 2009
Rebuttal Expert Disclosures:	March 20, 2009
Expert Discovery Cut-off:	April 13, 2009
Last Date for Filing of Dispositive Motions:	May 20, 2009 (to be heard June 18, 2009)
Final Pretrial Conference Date:	August 3, 2009
Trial Date:	August 17, 2009

V. MODIFICATIONS OF LIMITATIONS ON DISCOVERY

The parties do not anticipate that modifications of limitations on discovery are needed at this time. The parties, however, reserve their right to request modification of limitations on discovery as this case proceeds.

VI. ESTIMATE OF DAYS OF TRIAL

The parties expect that the trial will last three to five court days. LS&CO. has demanded a jury.

VII. OTHER CONSIDERATIONS

(a) **Appropriateness of Special Procedures:** The parties do not believe this case requires special procedures. The parties do not consent to have this case tried by a Magistrate Judge.

(b) **Modification of Standard Pretrial Procedures:** The parties do not believe that there are any special circumstances that warrant modification of the standard pretrial procedures.

1 (c) **Related Cases:**

2 There are no related cases pending in this Court. Jeans City believes that LS&CO.'s
3 prior and pending Complaints against third parties relating to the Arcuate Trademark and/or
4 Tab Trademarks are relevant to its claims and defenses.

5
6
7 DATED: July 17, 2008

Respectfully submitted,

8 TOWNSEND AND TOWNSEND AND CREW LLP

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10 By: /s/ Raquel Pacheco
Raquel Pacheco

11 Attorneys for Plaintiff
12 LEVI STRAUSS & CO.

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14 DATED: July 17, 2008

K&L GATES

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16 By: /s/ Rachel R. Davison
Rachel R. Davison

17 Attorneys for Defendant
18 JEANS CITY USA, INC.

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GENERAL ORDER ATTESTATION

Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Raquel Pacheco attest that concurrence in the filing of this document has been obtained from Rachel R. Davison. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 17th day of July, 2008. at San Francisco, California.

/s/ Raquel Pacheco
Raquel Pacheco